

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

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REGINALD YEARBY, #15895-074

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Petitioner,

\*

v.

\* CIVIL ACTION NO.2:05-CV-490-T

SCOTT MIDDLEBROOKS, WARDEN

\*

Respondent.

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**ORDER**

Petitioner, an inmate incarcerated at the Maxwell Prison Camp located in Montgomery, Alabama, filed this 28 U.S.C. § 2241 petition on May 24, 2005. He has not submitted the \$5.00 filing fee nor has he filed motion for leave to proceed *in forma pauperis*. Petitioner, therefore, shall be granted additional time to provide the court with the information necessary for a determination of whether he should be allowed to proceed *in forma pauperis* in this cause of action.

Accordingly, it is ORDERED that:

1. On or before June 13, 2005 Petitioner either submit the \$5.00 filing fee or file the appropriate affidavit in support of a motion for leave to proceed *in forma pauperis*. Petitioner is cautioned that his failure to comply with this Order will result in a recommendation by the undersigned that this case be dismissed; and

2. The Clerk of Court SEND a form for use in filing a motion to proceed in forma pauperis to Petitioner.

Done this 3<sup>rd</sup> day of June, 2005.

/s/ Vanzetta Penn McPherson  
UNITED STATES MAGISTRATE JUDGE